

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) TIFFIANY BOURQUE; and )  
(2) FREDERICK KAROL, on behalf of )  
Themselves and a Class of Similarly Situated )  
Persons, )

Plaintiffs, )

v. )

Case No. CIV-17-153-R

(1) DAVID STANLEY DODGE, LLC; )  
(2) ALLY FINANCIAL, INC.; )  
(3) DAVID A. STANLEY, an Individual; )  
(4) DAVID R. STANLEY, an Individual; )  
(5) BETH STANLEY, an Individual; )  
(6) BRENT WILSON, an Individual; )  
(7) SHANE DOWNS, an Individual; )  
(8) TONY REASNER, an Individual; and )  
(9) JENNIFER RAY, an Individual, )

Defendants. )

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, 18 U.S.C. §§ 1961 *et seq.*, and 15 U.S.C. §§ 1601 *et seq.*, Defendant David Stanley Dodge, LLC (“DSD”), files this Notice of Removal of this case from the District Court of Oklahoma County, Oklahoma. In support of removal, DSD states the following:

1. On July 6, 2016, Plaintiffs Tiffiany Bourque and Frederick Karol (“Plaintiffs”) filed a Petition in the District Court of Oklahoma County, Oklahoma, captioned *Tiffiany Bourque and Frederick Karol v. David Stanley Dodge, LLC and Ally Financial, Inc.*, Case No. CJ-2016-3393 (“State Court Action”).

2. On January 20, 2017, Plaintiffs filed an Amended Petition and Motion to Certify a Class Action (hereinafter “Amended Petition”) in the State Court Action captioned *Tiffany Bourque and Frederick Karol, on behalf of Themselves and a Class of Similarly Situated Persons v. David Stanley Dodge, LLC, Ally Financial, Inc., David A. Stanley, an Individual, David R. Stanley, an Individual, Beth Stanley, an Individual, Brent Wilson, an Individual, Shane Downs, an Individual, Tony Reasner, an Individual, Jennifer Ray, an Individual.*

3. On January 26, 2017, DSD was served with the Summons and Amended Petition in the State Court Action.

4. DSD is filing this Notice of Removal within thirty (30) days after receipt of Plaintiffs’ Amended Petition. Thus, under 28 U.S.C. § 1446(b), DSD’s time to remove has not yet expired.

5. DSD may remove this action pursuant to 28 U.S.C. §§ 1331 and 1441(a) because Plaintiffs have asserted claims against DSD and other Defendants for violation of the following federal statutes: (1) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961 *et seq.*; and (2) Truth in Lending Act, 15 U.S.C. §§ 1601 *et seq.* See Amended Petition, Ex. 3, Introduction (p. 5), ¶¶ 39-44, 60-72. This Court therefore has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

6. Defendant Ally Financial, Inc. has been served but has not yet entered an appearance in this matter. See Returned Summons (Ally), Ex. 5. Defendants David A. Stanley, David R. Stanley, Beth Stanley, Brent Wilson, Shane Downs, Tony Reasner, and

Jennifer Ray have not yet been served. *See* Docket Sheet, Ex. 1. *See generally* 28 U.S.C. § 1446(b)(2)(a).

7. The United States District Court for the Western District of Oklahoma is the appropriate court for filing a Notice of Removal from the State Court where Plaintiffs' State Court Action is pending, and accordingly, DSD seeks to remove the State Court Action to this Court.

8. Upon receiving the federally-filed Notice of Removal, DSD will file a copy of the Notice of Removal with the State Court, and will provide written notice to all counsel, all in accordance with 28 U.S.C. § 1446(d).

9. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed and/or served in the District Court of Oklahoma County, Case No. CJ-2016-3393 are attached hereto. *See* Docket Sheet, Ex. 1; Petition, Ex. 2; Amended Petition and Motion to Certify a Class Action, Ex. 3; Returned Summons (DSD), Ex. 4; Returned Summons (Ally), Ex. 5.

10. Under the provisions of 28 U.S.C. §§ 1331 and 1441(a) and all other applicable statutes, all of which DSD has complied with, this cause of action is removable to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

s/Melanie K. Christians

Derrick T. DeWitt, OBA #18044

Melanie K. Christians, OBA #30846

NELSON TERRY MORTON

DeWITT & PARUOLO

P.O. Box 138800

Oklahoma City, OK 73113

Telephone: (405) 705-3600

Facsimile: (405) 705-2573

[dewitt@ntmdlaw.com](mailto:dewitt@ntmdlaw.com)

[mchristians@ntmdlaw.com](mailto:mchristians@ntmdlaw.com)

*Attorneys for Defendant*

*David Stanley Dodge, LLC*

**CERTIFICATE OF SERVICE**

This is to certify that on the 14th day of February, 2017, the above document was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

M. Kathi Rawls  
Minal Gahlot  
RAWLS GAHLOT, PLLC  
2404 S. Broadway  
Moore, OK 73160  
Telephone: (405) 912-3225  
[kathi@rawlsgahlot.com](mailto:kathi@rawlsgahlot.com)  
[minal@rawlsgahlot.com](mailto:minal@rawlsgahlot.com)  
*Attorney for Plaintiff*

s/Melanie K. Christians